

1 MICHAEL C. HETHEY, ESQ.
Nevada Bar No. 5668
2 PHILIP GOODHART, ESQ.
Nevada Bar NO. 5332
3 THORNDAL ARMSTRONG DELK
4 BALKENBUSH & EISINGER
1100 East Bridger Avenue
5 Las Vegas, NV 89101-5315
Tel.: (702) 366-0622
6 Fax: (702) 366-0327
mch@thorndal.com
7 png@thorndal.com

8 Attorneys for Defendants,
WERNER ENTERPRISES, INC. and
9 NICOLAS FORCILLO

10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 DARLENE ISAAC; and HAROLD ROLAND
HOWMAN, JR.,

13 Plaintiffs,

14 vs.

15
16 NICOLAS FORCILLO, an individual,
WERNER ENTERPRISES, INC., a foreign
17 corporation, DOES I through X, inclusive;
18 and/or ROE CORPORATIONS I through X,
inclusive

19 Defendants.
20

CASE NO. 2:19-CV-01452-KJD-DJA

**STIPULATION TO CONTINUE
TRIAL AND NOTICE TO THE
COURT OF BINDING
ARBITRATION**

21 The parties submit this Stipulation to Continue Trial and Notice to the Court that they
22 have reached an agreement to pursue a Binding Arbitration in this matter, and therefore request
23 the Trial be continued and vacated. The Parties are in the process of preparing a Binding
24 Arbitration Agreement and following the completion of the Binding Arbitration Process, the
25 Parties will submit a stipulation for dismissal of the action with prejudice to the Court. As such,
26 the parties' respectfully request the Court remove this case from the Matter Trial Calendar
27
28

1 Scheduling Conference on November 14, 2022 at 2:00 p.m. and vacate the December 5, 2022
2 trial.

3 As a byproduct of the agreement to resolve the pending litigation by Binding Arbitration,
4 the Parties will be filing Notices with the Court regarding the withdrawal of the pending Motions
5 in Limine recently filed by Plaintiffs and Defendants. Should the Court require additional
6 information regarding the pending Binding Arbitration, the Parties will provide responses as
7 requested.

8 Dated this 9th day of November 2022.

Dated this 9th day of November 2022.

9 H&P LAW

THORNDAL ARMSTRONG DELK
BALKENBUSH & EISINGER

10
11 /s/ Marjorie L. Hauf

/s/ Michael C. Hetey

12 MARJORIE L. HAUF, ESQ.

MICHAEL C. HETHEY, ESQ.

13 Nevada Bar No. 8111

Nevada Bar No. 5668

14 MATTHEW G. PFAU, ESQ.

PHILIP GOODHART, ESQ.

15 Nevada Bar No. 11439

Nevada Bar NO. 5332

16 710 South 9th Street

1100 East Bridger Avenue

17 Las Vegas, Nevada 89101

Las Vegas, Nevada 89101

18 Attorneys for Plaintiffs,

Attorneys for Defendants,

19 DARLENE ISAAC and

WERNER ENTERPRISES, INC. and

20 HAROLD ROLAND HOWMAN, JR.

NICOLAS FORCILLO

21 IT IS SO ORDERED:

22 

23 KENT J. DAWSON

24 United States District Judge

25 DATE: 11/9/2022